

### Remarks

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Initially, it is noted that new claims 30-33 have been added.

Claims 16-18 and 21-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dobbs (US 5,566,237) in view of Elliot (US 7,110,558).

Claims 16, 17, 21 and 23 have been amended so as to further distinguish the present invention, as recited therein, from the references relied upon in the rejection. It is submitted that support for these amendments can be found at least at page 8, lines 22-24 of the original specification.

The above-mentioned rejection is submitted to be inapplicable to the amended claims for the following reasons.

Claim 16 is patentable over the combination of Dobbs and Elliot, since claim 16 recites a method of setting an audio output level including, in part, requesting an acknowledgement that a setting of the audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds a selected threshold; allocating a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment; and ending the setting of the audio output level after the certain period of time expires, if a reply via the operation button is not received. The combination of Dobbs and Elliot fails to disclose or suggest these features of claim 16.

Dobbs discloses a controller that is capable of being programmed to select from among a number of attached audio/video sources depending on the time of day, and control the equalization profile and volume of a selected source. During the programming of the controller, a rotary encoder 16 is used by a user to set the equalization profile and the volume for the selected source. Once each of the equalization profile and the volume has been preliminarily adjusted, the controller asks the user if he wishes to accept the selected equalization profile and volume. If the user selects “YES”, the new selected equalization profile and volume are set. If the user selects “NO”, the controller maintains the previously selected equalization profile and volume. (See column 8, lines 8-35; column 9, lines 37-61; and Figures 4a and 4b).

Based on the above discussion, it is apparent that the controller of Dobbs does request that the user acknowledge whether or not the change to the volume is to be accepted. However, this request to acknowledge occurs upon the completion of the adjustment of the volume. The request to acknowledge clearly does not occur if the setting of the volume is to be changed to a setting that exceeds a selected threshold.

Further, Dobbs also fails to disclose or suggest the allocation of a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment, and the ending of the setting of the audio output level after the certain period of time expires, if a reply via the operation button is not received. In the rejection, the disclosure in Dobbs that the rotary encoder 16 is used to select one of the predetermined audio equalization profiles is relied upon as corresponding to the allocation of a function of replying to the acknowledgment to an operation button. However, it is clear that there is no disclosure or suggestion in Dobbs that after a certain period of time, the ability to select one of the predetermined audio equalization profiles from the rotary encoder 16 ends, if a selection via the rotary encoder 16 is not received, as would be necessary for the rotary encoder 16 to correspond to the operation button recited in claim 16. As a result, Elliot must disclose or suggest these features in order for the combination of Dobbs and Elliot to render claim 16 obvious.

Regarding Elliot, it discloses a system that is capable of automatically adjusting the volume of an audio source. In the embodiment of the system relied upon in the rejection, the average volume levels for at least one first audio signal and at least one second audio signal are determined. Then, the average volume level for the at least one second audio signal is multiplied by a volume setting value to produce an adjusted average volume level. Next, a difference between the average volume level of the at least one first audio signal and the adjusted average volume level is compared to a threshold value and the audio level is adjusted when the difference exceeds the threshold value. (See column 2, lines 4-18).

Based on the above discussion, the system of Elliot adjusts the audio level when the difference between the average volume level of the at least one first audio signal and the adjusted average volume level exceeds the threshold value. On the other hand, claim 16 recites that when the setting of the audio output level is to be changed to a setting that exceeds the selected threshold, an acknowledgement is requested that the setting of the audio output level is to be

changed. Therefore, it is apparent that the use of the threshold value in Elliot does not address the deficiency in Dobbs of requesting the user to acknowledge whether or not the change to the volume is to be accepted based on a threshold because the system of Elliot automatically adjusts the volume.

Further, Elliot also fails to disclose or suggest the allocation of the function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment, and the ending of the setting of the audio output level after the certain period of time expires, if a reply via the operation button is not received. Therefore, it is apparent that Elliot does not appropriately address the deficiencies of Dobbs. As a result, claim 16 is patentable over the combination of Dobbs and Elliot.

Regarding claim 17, it is patentable over the combination of Dobbs and Elliot for reasons similar to those set forth above in support of claim 16. That is, claim 17 recites, in part, requesting an acknowledgement that a setting of the audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds a selected threshold; allocating a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment; and ending the setting of the audio output level after the certain period of time expires, if a reply via the operation button is not received, which features are not disclosed or suggested by the combination of references.

As for claims 21 and 23, they are patentable over the combination of Dobbs and Elliot for reasons similar to those set forth above in support of claim 16. That is, claims 21 and 23 each recite, in part, a requesting unit operable to request an acknowledgement that a setting of an audio output level is to be changed, if the setting of the audio output level is to be changed to a setting that exceeds a selected threshold; and an allocating unit operable to allocate a function of replying to the acknowledgement to an operation button provided on at least one of a remote control unit and a main unit for a certain period of time immediately after requesting the acknowledgment, and ending the setting of the audio output level after the certain period of time expires, if a reply via the operation button is not received, which features are not disclosed or suggested by the combination of references.

Because of the above-mentioned distinctions, it is believed clear that claims 16-18 and 21-33 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 16-18 and 21-33. Therefore, it is submitted that claims 16-18 and 21-33 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Tomohiko TANIGUCHI

By:

  
\_\_\_\_\_  
David M. Ovedovitz  
Registration No. 45,336  
Attorney for Applicant

DMO/jmj  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 11, 2008